



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/585,300	05/25/2007	Masao Ichi	060479	2361
23850 7590 12/09/2009 KRATZ, QUINTOS & HANSON, LLP 1420 K Street, N.W. Suite 400 WASHINGTON, DC 20005				
EXAMINER				
AMIRMOKRI, JALAEDDIN				
ART UNIT		PAPER NUMBER		
2617				
MAIL DATE		DELIVERY MODE		
12/09/2009		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/585,300

**Applicant(s)**

ICHI, MASAO

**Examiner**

JALALEDDIN AMIRMOKRI

**Art Unit**

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 27 May 2007.  
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-8 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-8 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☒ The drawing(s) filed on 06 July 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:  
1. ☒ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)  
3) ☒ Information Disclosure Statement(s) (PTO/S&C)  
Paper No(s)/Mail Date 07/06/06 & 10/18/06  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date: \_\_\_\_\_  
5) ☐ Notice of Informal Patent Application  
6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Claim Status***

This is in response to application filed on May 25, 2007 in which claims 1-8 are presented for examination.

### ***Information Disclosure Statement***

1. The information disclosure statements (IDS) submitted on 07/06/2006 and 10/18/2006 are in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statements are being considered by the examiner.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-8 are rejected under 35 U.S.C 103(a) as being unpatentable over Boda et al. (US Patent Application Publication No. 2003/0114145) in view of Kalmanek, Jr. et al. (US Patent No. 7,274,662) and further in view of Urewicz (US Patent No. 5,541,980).

**Regarding Claims 1 and 8**, Boda teaches a mobile terminal having a telephone function and a broadcast receiving function (as described in paragraph [0018], lines 1-4), comprising:

a storage unit storing one or more telephone numbers, each of which is associated with one or more channel information pieces (as described in paragraph [0018] and [0020]; radio channel);

Boda does not explicitly teach a judging unit operable to judge, in a case where a caller makes a request for establishing a communication connection to one of the telephone numbers, whether the establishment requires time based on a reply signal from a communication base station that has received the request.

Kalmanek teaches a judging unit operable to judge, in a case where a caller makes a request for establishing a communication connection to one of the telephone numbers, whether the establishment requires time based on a reply signal from a communication base station that has received the request (as described in column 26, lines 24-37; in case of time-out based on a message from terminating TIU the call is redirected or forwarded based on the information associated with the number).

Therefore it would have been obvious to a person with ordinary skill in the art at the time the invention was made to modify Boda to include the mechanism to redirect the call in case of timing out as described by Kalmanek in order to allow the user to reach a different destination and hence provide a more capable and versatile communication system to the user.

Boda in view of Kalmanek does not explicitly teach an extraction unit operable to perform a search in the storage unit when the judging unit determines that the establishment requires time, and extract the one or more channel information pieces associated with the one of the telephone numbers; and a broadcast reception unit

operable to receive a broadcast service using by one of the extracted channel information pieces.

Urewicz teaches an extraction unit operable to perform a search in the storage unit when the judging unit determines that the establishment requires time, and extract the one or more channel information pieces associated with the one of the telephone numbers; and a broadcast reception unit operable to receive a broadcast service using by one of the extracted channel information pieces (as described in column 2, lines 1-7; broadcast receiver, receives the emergency weather signal).

Therefore it would have been obvious to a person with ordinary skill in the art at the time the invention was made to modify Boda in view of Kalmanek to include tuning to a broadcast channel as described by Urewicz as part of the call redirection to receiving emergency broadcasts and hence provide a highly useful and informative communication system to the user.

**Regarding Claims 2**, Boda does not explicitly teach that the judging unit determines that the establishment requires time when the reply signal is one of a 1st reply signal indicating that the establishment is not possible and a 2nd reply signal instructing the caller to hold.

Kalmanek teaches that the judging unit determines that the establishment requires time when the reply signal is one of a 1st reply signal indicating that the establishment is not possible and a 2nd reply signal instructing the caller to hold (as described in column 26, lines 24-27 and lines 41-43).

Therefore it would have been obvious to a person with ordinary skill in the art at the time the invention was made to modify Boda to include non-connection and hold messages to the mobile terminal as described by Kalmanek in order to allow the user to be informed of the call progress status and hence provide a more capable and versatile communication system to the user.

**Regarding Claims 3**, Boda does not explicitly teach that a retransmission unit operable to repeatedly retransmit, while the broadcast reception unit is receiving the broadcast service as a result of the reply signal being the 1st reply signal, the request at specified time intervals after reception of the 1st reply signal, until the judging unit determines that the establishment requires no time or until predefined number of retransmissions is reached.

Kalmanek teaches that a retransmission unit operable to repeatedly retransmit, while the broadcast reception unit is receiving the broadcast service as a result of the reply signal being the 1st reply signal, the request at specified time intervals after reception of the 1st reply signal, until the judging unit determines that the establishment requires no time or until predefined number of retransmissions is reached (as described in column 26, lines 56-63).

Therefore it would have been obvious to a person with ordinary skill in the art at the time the invention was made to modify Boda to include the mechanism to establish the original call once the normal conditions have resumed as described by Kalmanek in order to allow the user establish the call and hence provide a more user friendly and versatile communication system to the user.

**Regarding Claims 4,** Boda does not explicitly teach that a broadcast reception terminating unit operable to terminate the reception of the broadcast service when the judging unit determines that the establishment requires no time.

Kalmanek teaches that a broadcast reception terminating unit operable to terminate the reception of the broadcast service when the judging unit determines that the establishment requires no time (as described in column 26, lines 56-63).

Therefore it would have been obvious to a person with ordinary skill in the art at the time the invention was made to modify Boda to include the mechanism to establish the original call once the normal conditions have resumed and stop the redirection or receiving the broadcast signal as described by Kalmanek in order to allow the user establish the call and hence provide a highly efficient and versatile communication system to the user.

**Regarding Claims 5,** Boda does not explicitly teach that a broadcast reception terminating unit operable to terminate the reception of the broadcast service when the judging unit determines that the establishment requires no time in a case where the broadcast reception unit is receiving the broadcast service as a result of the reply signal being the 2nd reply signal.

Kalmanek teaches that a broadcast reception terminating unit operable to terminate the reception of the broadcast service when the judging unit determines that the establishment requires no time in a case where the broadcast reception unit is receiving the broadcast service as a result of the reply signal being the 2nd reply signal (as described in column 26, lines 37-63).

Therefore it would have been obvious to a person with ordinary skill in the art at the time the invention was made to modify Boda to include the mechanism to establish the original call once the normal conditions have resumed and stop the redirection or receiving the broadcast signal as described by Kalmanek in order to allow the user establish the call and hence provide a highly efficient and versatile communication system to the user.

4. Claim 6 is rejected under 35 U.S.C 103(a) as being unpatentable over Boda et al. in view of Kalmanek, Jr. et al., further in view of Urewicz and further in view of Lamb (US Patent No. 6,867,688).

**Regarding Claims 6**, Boda in view of Kalmanek and further in view of Urewicz does not explicitly teach that a detecting unit operable to detect airwave intensity, wherein in a case where airwave intensity of the received broadcast service is less than a predefined value and there are a plurality of the extracted channel information pieces, the broadcast reception unit receives, singly and sequentially in order of extraction, broadcast services indicated by the plurality of the extracted channel information pieces until obtaining airwave intensity of a received broadcast service having the predefined value or more.

Lamb teaches that a detecting unit operable to detect airwave intensity, wherein in a case where airwave intensity of the received broadcast service is less than a predefined value and there are a plurality of the extracted channel information pieces, the broadcast reception unit receives, singly and sequentially in order of extraction,



broadcast services indicated by the plurality of the extracted channel information pieces until obtaining airwave intensity of a received broadcast service having the predefined value or more (as described in column 4, lines 4-15).

Therefore it would have been obvious to a person with ordinary skill in the art at the time the invention was made to modify Boda in view of Kalmanek and further in view of Urewicz to include the capability to scan through the channels to find one with sufficient signal strength to receive as described by Lamb in order to receive the broadcast and hence provide a highly efficient and versatile communication system to the user.

5. Claim 7 is rejected under 35 U.S.C 103(a) as being unpatentable over Boda et al. in view of Kalmanek, Jr. et al., further in view of Urewicz and further in view of Binzel et al. (US Patent Application Publication No. 2003/0114145).

**Regarding Claims 7**, Boda in view of Kalmanek and further in view of Urewicz does not explicitly teach that the request is to establish an emergency communication connection to police or fire department.

Binzel teaches that the request is to establish an emergency communication connection to police or fire department (as described in paragraph [0003], lines 8-12; fire).

Therefore it would have been obvious to a person with ordinary skill in the art at the time the invention was made to modify Boda in view of Kalmanek and further in view of Urewicz to include the capability to tune fire department emergency broadcasts as

described by Binzel in order to inform the user of hazardous fire conditions and hence provide a highly useful and informative communication system to the user.

### ***Conclusion***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to JALAEEDDIN AMIRMOKRI whose telephone number is (571)270-5880. The examiner can normally be reached on M-F 8am-5m EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, PATRICK EDOUARD can be reached on (571)272-7603. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Application/Control Number: 10/585,300  
Art Unit: 2617

Page 10

12/04/09  
/Patrick N. Edouard/

Supervisory Patent Examiner, Art Unit 2617